**UNSR Thematic Report on Natural Resource Exploitation and the rights to freedom of peaceful assembly and of association**

**Questionnaire – Member States**

*In his upcoming report to the UN Human Rights Council to be presented in June 2015, the Special Rapporteur turns his attention to the exercise of the rights to freedom of peaceful assembly and of association (FOAA rights) in the context of natural resource exploitation. The report will focus on three key actors with obligations and responsibilities with respect to the promotion and protection of FOAA rights: (1) the corporations or private actors exploiting the natural resources, (2) the States where natural resources are to be exploited (host State), and (3) the State of origin of the corporations or private actors. The report will assess the legal framework and practices within each category and explore how these help or hinder FOAA rights.*

*This questionnaire solicits information from States, businesses engaged in natural resource exploitation, civil society organizations and other relevant actors with a view to assisting the Special Rapporteur in his assessment.*

*The term “natural resource exploitation” is used broadly in this questionnaire to include any activities involving the use, extraction or development of natural resources, including but not limited to land, water, timber, minerals, oil, and gas.*

*Kindly send your responses by 31 January 2015 to* [*freeassembly@ohchr.org*](mailto:freeassembly@ohchr.org)

*You may submit your responses in English, French or Spanish.*

1. QUESTIONS FOR MEMBER STATES
2. What are the particular challenges *in your country* to respecting individuals’ rights to freedom of peaceful assembly and of association in the context of natural resource exploitation, while also attracting investment and responsibly maximizing the State’s ability to benefit from these resources? For example, are all stakeholders affected by projects consulted, with their rights and concerns taken into account? Are peaceful assemblies facilitated? Are companies cooperative and understanding of the need to preserve individuals peaceful assembly and association rights?
3. Can you identify any particular challenges faced by the States of origin of the corporations operating in your country?
4. For Question 1-3 – to what extent do these challenges stem from:
   1. Gaps/inadequacies in the domestic or international legal framework (e.g., laws on FOAA rights themselves, environmental laws, labour laws, trade agreements)
   2. Government institutions (e.g., ineffective enforcement, lack of independence, lack of capacity, corruption)
   3. The broader business environment (e.g., lack of voluntary guidelines or industry standards, competitive pressures)
   4. Individual businesses themselves (e.g., focus on profits over rights, lack of interest in consulting local communities, willingness to leverage Government corruption)
   5. Any other factors
5. What is your Government doing to mitigate these challenges?
6. Please provide any specific case studies illustrating natural resource exploitation projects which your Government believes had a positive or negative impact upon FOAA rights, for example: (1) suppression or facilitation of peaceful protests regarding a project; (2) harassment or facilitation of civil society or grassroots groups involved in a project; (3) outcomes when consulting – or failing to consult – with affected communities; (4) involvement of private security companies. *We would especially appreciate examples that demonstrate how Government action helped or hurt the protection and promotion of FOAA rights.*
7. What measures/actions would you recommend that States, businesses and private actors take to enhance the promotion and protection of freedom of peaceful assembly and of association in their policies, projects, goals and other engagements with civil society?